

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

YADIRA MOLINA TORRES, \* CIVIL NO.  
\*  
Plaintiff, \* PLAINTIFF DEMANDS  
\* TRIAL BY JURY  
Vs. \*  
\*  
JOSÉ F. QUETGLAS JORDÁN, \*  
\*  
Defendant. \*  
\*  
-----

**COMPLAINT**

TO THE HONORABLE COURT:

NOW COMES, plaintiff, Yadira Molina Torres ("Molina" or  
"Plaintiff") through her undersigned attorney, and respectfully  
states as follows:

**I. BRIEF SUMMARY OF THE ACTION**

1. Plaintiff Molina retained defendant José F. Quetglas Jordán  
("Quetglas" or "Defendant") to represent her in an original  
Federal Question Jurisdiction 42 U.S.C. §1983 ("Section 1983")  
claim of deprivation of her right to free speech protected by  
the First Amendment of the Constitution of the United States  
against the Municipio de San Juan later including in an amended  
complaint a separate diversity jurisdiction basis not noticed in  
the original complaint of various state law claims.

2. The case was originally filed by a previous attorney in The

1 United States District Court for the District of Puerto Rico  
2 Civil Number 18CV01079 (JAG).

3 3. As a result of multiple procedural incidents attributed  
4 solely to Quetglas' professional negligence all claims of the  
5 amended complaint were dismissed with prejudice.  
6

7 4. Molina brings this diversity of jurisdiction action for  
8 compensatory damages against Quetglas claiming that due to his  
9 professional negligence he incurred in legal malpractice which  
10 was the sole and proximate cause of the dismissal of all the  
11 causes of action alleged in the amended complaint with  
12 prejudice.  
13

14 **II. JURISDICTION AND VENUE**

15 5. This Honorable Court has jurisdiction over the parties and  
16 the subject matter of this litigation pursuant to 28 U.S.C.  
17 §1332, where all the parties on either part of the controversy  
18 are of diverse citizenship and the matter in controversy exceeds  
19 the sum of Seventy-Five Thousand Dollars (\$75,000.00), exclusive  
20 of interest and costs.  
21

22 6. The facts set forth in this complaint are actionable under  
23 the following statutes and codes of professional conduct:  
24

- 25 a. Articles 1801 and 1802 of the Puerto Rico Civil Code  
26 (31 L.P.R.A. §§ 5141 and 5142; Article 1802 of the  
27

1 Puerto Rico Civil Code of 1930 was replaced by Article  
2 1536 when the new Puerto Rico Civil Code came into  
3 effect in 2020. Dumanian v. FirstBank Puerto Rico, 22-  
4 cv-1543, 2024 WL 197429, at \*3 (D.P.R. Jan. 17, 2024).  
5 “Article 1536, however, contains the same elements as  
6 its predecessor, thereby leaving the tort statute  
7 practically unchanged.” Id. henceforth the “General  
8 Tort Statute”).  
9

10 b. Model Rules of Professional Conduct (the “Model  
11 Rules”), adopted by the American Bar Association, as  
12 amended, the Code of Pretrial and Trial Conduct  
13 published by the American College of Trial Lawyers, as  
14 amended (“Code of Pretrial and Trial Conduct”) and the  
15 Puerto Rico Code of Professional Ethics of 1970.  
16  
17

18 7. Venue lies under 28 U.S.C. § 1391(b)-(c) and 31 U.S.C.  
19 §3732(a) because Defendant’s principal place of business is in  
20 Puerto Rico and the acts forming the basis of this Complaint  
21 caused Plaintiff to sustain her damages within the District of  
22 Puerto Rico.  
23

### 24 III. DEMAND OF TRIAL BY JURY

25 8. Pursuant to the Seventh Amendment of the United States  
26 Constitution, Plaintiff demands a trial by jury in the instant  
27  
28

1 case, pursuant to Fed.R.Civ.P. 38b.

2 **IV. PARTIES**

3 9. Plaintiff Molina, is an adult female individual, is a bona  
4 fide resident of the State of Florida and a citizen of the  
5 United States of America. She is an attorney duly licensed to  
6 practice law in the Commonwealth of Puerto Rico currently in an  
7 inactive status.  
8

9 10. Defendant José F. Quetglas Jordán ("Quetglas"), is an adult  
10 male individual, is a bona fide resident of the Territory of  
11 Puerto Rico and a citizen of the United States of America. He is  
12 an attorney duly licensed to practice law in the Territory of  
13 Puerto Rico and before The United States District Court for the  
14 District of Puerto Rico.  
15

16 **V. FACTS**

17  
18 11. Molina retained Quetglas January 22, 2019.

19 12. Quetglas' professional negligence resulted in multiple  
20 procedural incidents attributed solely to him constituting legal  
21 malpractice and are enumerated as follows and any others that  
22 may be subsequently detected:  
23

- 24 a. Without consulting or obtaining the consent of Molina  
25 added a diversity of jurisdiction allegation for the  
26 state law claims in the amended complaint when the  
27

1 original complaint only alleged federal question  
2 jurisdiction which was in itself sufficient legal  
3 allegation under the circumstances.

4 b. Ignored instructions from Molina to include certain  
5 parties as defendants in the amended complaint without  
6 justification.

7  
8 c. Did not keep Molina duly informed as to the real  
9 reasons his untimely request to amend the complaint to  
10 include the additional parties was denied by the  
11 court.

12  
13 d. Insisting that Molina sue her previous lawyer for  
14 legal malpractice regarding the missing parties that  
15 were not allowed by the court.

16  
17 e. The Notice of Appearance by Pedro Vazquez whom Molina  
18 did not know, had not retained or entered into a  
19 contract with him.

20  
21 f. Quetglas told Molina that the lawyer would be acting  
22 as a paralegal but contrary to that statement he  
23 entered his appearance in the case as Molina's lawyer  
24 which she did not agree to.

25  
26 g. Quetglas would justify the need for the lawyer in that  
27 he had too much work and had upcoming court  
28

appearances scheduled.

h. An Order striking Quetglas' motion to compel discovery or failure to comply with local rules.

i. Failure to take depositions before discovery deadline while Molina was telling him to take them and the response being that he has seen cases without depositions that they were not necessary. But extensions were requested and granted and 9 depositions of defendants were taken and Molina's in an expedited 2 week period. Quetgle's was not prepared for any of the depositions.

j. At a mediation hearing before a Magistrate, it was suggested that Molina request a trial date before defendant filed a motion for summary judgment and 8 days later Quetgla's told Molina when we were about to request the trial date defendant filed his motion for summary judgment.

k. In an Order denying the presentation of Molina's translations the court stated that plaintiff had almost 3 months to prepare his opposition to summary judgment and evidence in support ..... and counsel has not provided good cause for the extension



**VI. DAMAGES**

15. Due to the legal malpractice of Quetglas being the proximate cause of the dismissal Molina has suffered damages in the amount requested in the amended complaint of \$5,050,000.00.

16. In the event that Quetglas denies responsibility for the damages claimed herein, pursuant to Rule 44 of the Rules of Civil Procedure of the Territory of Puerto Rico, Plaintiff would also be entitled to an award of pre-judgment and post-judgment interest, to be computed from the amount finally adjudged to Plaintiff, plus a reasonable amount for attorneys' fees, due to such obstinate and temerarious denial.

WHEREFORE, plaintiff Molina through her undersigned attorney respectfully requests Judgment be entered by this Honorable Court in favor of Molina and against Quetglas:

- a. granting Plaintiff all the sums and remedies requested in this Complaint;
- b. imposing upon Defendant the payment of all costs and expenses to be incurred in this lawsuit;
- c. awarding Plaintiff post-judgment interests, plus a reasonable amount for attorneys' fees; and,
- d. granting Plaintiff any other relief that he may be entitled to as a matter of law.



